

## Message Text

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ACTION SCS-06

INFO OCT-01 ARA-14 ISO-00 SSO-00 L-03 H-02 CA-01 /027 W

-----010865 301840Z /44

O 301646Z NOV 77

FM AMEMBASSY TEGUCIGALPA

TO SECSTATE WASHDC IMMEDIATE 8653

UNCLAS TEGUCIGALPA 5623

ALSO FOR ARA/CEN/H

E.O. 11652: N/A

TAGS: CDES, CASC, PGOV, HO

SUBJ: BOATING ACCIDENT (DORIS M)

REF: (A) TEGUCIGALPA 5404, (B) FIGGINS (ARA/CEN) - BARTCH TELCON

NOV. 29

1. FOSTER BOAT (DORIS M) REMAINS UNDER POLICE GUARD ON ORDERS OF JUDGE IN PUERTO LEMPIRA UNTIL OFFICIAL INVESTIGATION COMPLETED. DAN FOSTER REMAINS ON BOARD VESSEL.

2. EMBASSY HAS BEEN IN CONTACT WITH GOH OFFICIALS IN TEGUCIGALPA. THE FISCAL (CHIEF PROSECUTOR) HAS SENT INSTRUCTIONS TO THE JUDGE IN PUERTO LEMPIRA AND TO THE COURT IN LA CEIBA WHICH HAS JURISDICTION OVER PUERTO LEMPIRA REQUESTING THAT DUE TO HUMANITARIAN CONSIDERATIONS INVESTIGATION BE COMPLETED IN MINIMUM TIME NECESSARY. THE HEAD OF THE NEWLY FORMED HONDURAN NAVY CONTACTED THE NATIONAL CHIEF OF POLICE TO HAVE HIS REPRESENTATIVE RELEASE THE BOAT IMMEDIATELY. THE POLITICAL OFFICER DISCUSSED CASE WITH VICE FOREIGN MINISTER AND WAS TOLD LEGALLY INVESTIGATION MUST BE COMPLETED.

3. ON 23 NOVEMBER SEVERINO KENNEDY OF FLORIDA CONSTRUCTION AND DEVELOPMENT CORPORATION CAME TO EMBASSY REQUESTING ASSISTANCE. HE INTRODUCED HIMSELF AS A REPRESENTATIVE OF THE FOSTERS AND A FRIEND  
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AND BUSINESS ACQUAINTANCE OF BILL SCHACHTER OF MIAMI, FLORIDA, FROM WHOM THE FOSTERS PURCHASED THE BOAT. MR. KENNEDY HAD A POWER OF ATTORNEY FROM MRS. JULIA FOSTER, THE WIDOW OF THE DECEASED OWNER OF THE BOAT. HE ALLEGED TO KNOW NOTHING OF THE INVESTIGATION ALTHOUGH HE STATED THE FOSTERS HAD FULLY INFORMED HIM OF THE CASE PRIOR TO HIS DEPARTURE FOR HONDURAS. MR. KENNEDY PLANNED TO TAKE THE WEEKLY FLIGHT FOR PUERTO LEMPIRA THE FOLLOWING DAY (THE FLIGHT

ARRIVES 9:00 A.M. AND DEPARTS 10.00 A.M.) ALTHOUGH HE WAS ADVISED AND OFFERED ASSISTANCE TO CONTACT THE HONDURAN OFFICIALS IN TEGUCIGALPA BEFORE HIS DEPARTURE. HE CONTACTED NO ONE AND LEFT FOR PUERTO LEMPIRA ON THURSDAY.

4. MONDAY MORNING 28 NOVEMBER, MR. KENNEDY ARRIVED AT THE EMBASSY AND REQUESTED A MEETING WITH THE AMBASSADOR. A MEETING WAS ARRANGED THE SAME DAY WITH THE DCM AND CONSUL PRESENT. MR. KENNEDY LEFT PUERTO LEMPIRA BY PRIVATE PLANE AFTER LEARNING DIRECT FROM THE JUDGE THAT THE INVESTIGATION HAD NOT BEEN COMPLETED AND THE BOAT WOULD NOT BE RELEASED UNTIL COMPLETION. MR. FOSTER REMAINED ON THE BOAT WHERE HE HAS BEEN SINCE 17 NOVEMBER. EMBASSY STRONGLY ADVISED KENNEDY TO ENCOURAGE THE FAMILY TO HIRE A LAWYER TO REPRESENT THEM DURING THE INVESTIGATION AS THERE IS APPARENTLY SOME QUESTION WHETHER THE BOAT WAS LEGALLY ABANDONED AND/OR WHETHER THE LOCAL PEOPLE HAVE SALVAGE RIGHTS. MR. KENNEDY DEPARTED WITH A LIST OF LAWYERS SAYING HE WOULD CONTACT ONE ON BEHALF OF THE FOSTERS.

5. MR. SCHACHTER CALLED FROM MIAMI 29 NOVEMBER REQUESTING INFORMATION AND HE UNDERSTOOD MR. KENNEDY TO HAVE INDICATED IN TELCON PREVIOUS EVENING THAT ALL THAT WAS NEEDED WAS A POWER OF ATTORNEY. MR. SCHACHTER INFORMED FULL FACTS AND THAT BOAT DETAINED PENDING INVESTIGATION AND NOT FOR LACK OF PROPERLY EXECUTED POWER OF ATTORNEY. HE ALSO INFORMED IT HIGHLY RECOMMEND THAT FAMILY OBTAIN LEGAL COUNSEL.  
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6. EMBASSY HAS BEEN INFORMALLY AND REPEATEDLY IN CONTACT WITH GOH OFFICIALS SINCE BEGINNING THIS CASE. GOVERNMENT HAS BEEN COOPERATIVE BUT PUERTO LEMPIRA IS ISOLATED AND COMMUNICATION POOR. IT IS REACHABLE ONLY BY RADIO OR TELEGRAM. THROUGHOUT CASE EMBASSY HAS ADVISED FOSTERS AND THEIR REPRESENTATIVE THAT THE US GOVERNMENT MAY NOT INVOLVE ITSELF FORMALLY WITH RECOVERY OF PROPERTY UNDER FOREIGN JURISDICTION UNTIL THE AMERICAN CITIZENS PURSUE AVAILABLE LEGAL REMEDIES AND EXHAUST THEM. WE HAVE CONTINUALLY INFORMALLY DISCUSSED THIS CASE WITH THE GOH AND HAVE SO INFORMED THE FOSTERS. EMBASSY WILL CONTINUE TO MAINTAIN CONTACT GOH OFFICIALS AND URGE RAPID, EQUITABLE RESOLUTION THIS MATTER.  
JARAMILLO

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